

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

COURTNEY ANDERSON &)	CASE NO. CVCV81195
MEGAN ASTELL,)	
<i>Plaintiffs,</i>)	
)	
vs.)	ORDER GRANTING
)	CONDITIONAL CLASS
LATITUDE AT RIVER LANDING)	CERTIFICATION AND
PROPERTY OWNER, LLC,)	PRELIMINARY APPROVAL
<i>Defendant,</i>)	OF SETTLEMENT
and)	
RISE AT RIVERFRONT CROSSING)	
OWNER, LLC)	
<i>Intervenor.</i>)	

The Court has before it Plaintiff's Consent Motion for Class Certification and Preliminary Approval of Settlement and Class Notification as well as a proposed Consent Decree embodying the agreement of the parties to settle the instant action.

The Court, having considered the Consent Motion for Class Certification and Preliminary Approval of Settlement and Class Notification as well as the proposed Consent Decree, notices and forms in the instant case, finds that the motions should be granted for the reasons stated therein.

IT IS, THEREFORE, ORDERED:

1. The terms defined in the proposed Consent Decree are incorporated in this Order.

Class Certification

2. The Class is certified in the instant action for the purpose of settlement because, per Iowa R. Civ. P. 1.261, the following four criteria are met:

(a) The parties have agreed that the class will consist of more than 40 tenants and the Court therefore finds that, "[t]he class is so numerous or

so constituted that joinder of all members, whether or not otherwise required or permitted, is impracticable,” pursuant to Iowa R. Civ. P.

1.261(1);

(b) The parties have agreed that namely the question of legality of the challenged lease provisions in the Landlords’ Previous Standard Lease applies to all class members and the Court therefore finds, “[t]here is a question of law or fact common to the class,” pursuant to Iowa R. Civ. P.

1.261(2);

(c) The parties have agreed that a class action will provide a fair and efficient adjudication of the controversy as opposed to a multiplicity of small claims actions which may have inconsistent results. The Court agrees and finds that a class action in the instant case will provide a, “...fair and efficient adjudication of the controversy.” Iowa R.Civ. P. 1.262(2)(b).

(d) The parties agree that Courtney Anderson and Megan Astell should be Class Representatives, that Christopher Warnock should be Class Counsel and that they will fairly and adequately protect the interests of the class. The Court therefore finds pursuant to Iowa R. Civ. P. 1.262(2)(c) that the Class Representatives and Counsel will, “fairly and adequately . . . protect the interests of the class.”

3. Courtney Anderson and Megan Astell are appointed as Class Representatives and Christopher Warnock is appointed as Class Counsel.

4. The Class consists of current and past tenants of Landlords and tenants of Landlords during the pendency of the Consent Decree.

5. The relief for the Class will be injunctive only as provided in the Consent Decree.

Preliminary Approval of Consent Decree

6. The Court preliminarily approves the settlement as set forth in the Consent Decree, subject to the right to the right of any member of the class (as defined in the Consent Decree) to challenge the fairness, reasonableness or adequacy of the Consent Decree, to opt out from the Settlement, to present any opposition to the requests for attorneys' fees and to show cause, if any exists, why the instant case should not be settled after due and adequate notice to the class as set forth in the Consent Decree and after a hearing on final approval.

Class Notification

7. The Court, having considered the notices and forms proposed by the parties finds the notices and forms fairly and adequately inform the members of the class of their rights regarding the Consent Decree, including their right to opt out or object to the Consent Decree, to oppose the request for attorneys' fees, and to appear at the hearing for final approval of the Consent Decree. The Court finds that the form of notice and manner of notice are the best practicable means under the circumstances and fully satisfy the requirements of due process and the Iowa Rules of Civil Procedure.

Further Proceedings

8. Proceedings regarding Plaintiffs Motion for Summary Judgment are stayed pending the settlement.

9. The Court hereby schedules a fairness hearing to occur on **April 30, 2020, at 9:30 a.m.**, to determine whether:

(a) the proposed settlement, as set forth in the Consent Decree, should be finally approved as fair, reasonable and adequate pursuant to Iowa R. Civ. P. 1.271 and an Order of Approval be entered;

(b) whether payments should be made to the Class Representatives;

(b) whether attorney fees should be awarded to Class Counsel, as provided in the Consent Decree.

10. All pleadings by objectors to the Consent Decree and/or attorney fees and notice to appear at the fairness hearing shall be served on Class Counsel as set forth in the class notice twenty one days before the fairness hearing. All pleadings in support of the Consent Decree and/or the attorney fee award should be filed by fourteen days before the fairness hearing and Class Counsel shall file all pleadings timely served by objectors ten days before the fairness hearing. Any pleadings in response to objections shall be filed five days before the fairness hearing.

11. The Court may, for good cause, extend any of the deadlines set forth in the Order and/or adjourn the date of the hearing on final approval of the Consent Decree without further notice to members of the class.

IT IS SO ORDERED.



State of Iowa Courts

Type: OTHER ORDER

Case Number CVCV081195
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So Ordered

A handwritten signature in black ink that reads "Chad A. Kepros".

Chad Kepros, District Court Judge,
Sixth Judicial District of Iowa